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SECRET RULING SAID TO AID DEFENDANT
BY DAN CARMICHAEL
ALEXANDRIA, VA.

A secret ruling by a federal judge will help a former Army counter-intelligence specialist accused of selling out to the Soviets to prove he was working for the CIA, his lawyer said Friday.

Richard Craig Smith, 40, is charged with selling defense secrets - the identities of six U.S. double-agents -- to the KGB for \$11,000. But he says he was working for the CIA and made the deal in Tokyo at the agency's request.

He could be sentenced to life in prison if convicted.

Smith's lawyer, A. Brent Carruth, praised a secret pre-trial ruling issued late Thursday by U.S. District Judge Richard L. Williams.

The ruling remained secret because it deals with national defense issues. A censored version is expected to be made public next week.

Carruth, contacted in Los Angeles, said he is prohibited from discussing the contents of the ruling but remarked, "We're in great shape."

"It's my opinion that the judge did what was right and fair and he's going to allow Smith to defend himself on the basis of Smith's knowledge that he was working for the Central Intelligence Agency," Carruth said.

Carruth said the government has 10 days to decide whether to begin Smith's long-delayed trial or appeal the ruling to the 4th U.S. Circuit Court of Appeals in Richmond.

"Everyone, including the judge, presumes the government will appeal," Carruth said.

The judge has not yet ruled on other pre-trial issues raised at a public hearing, including a defense contention the government has engaged in "subtle witness tampering" in an attempt to prevent testimony by CIA employees and others who could help Smith.

Smith says he was working for two CIA contacts who gave him a telephone number in Honolulu to call upon returning to the United States. The phone number was assigned to a now-defunct Honolulu investment firm reputed to have extensive CIA contacts.

The firm was named Bishop, Baldwin, Rewarld, Dillingham and Wong.

The trial has been delayed because the defense and prosecution have been unable to agree on what classified information, if any, may be used as evidence.

Under the federal Classified Information Procedures Act, secret court hearings and classified rulings are allowed in cases involving national security issues.